

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

LARRY PHILPOT,
Plaintiffs,

v.

MEDIA RESEARCH CENTER, INC.,
Defendant.

Case No. 1:17cv822

ORDER

A Fed. R. Civ. P. 16(b) **PRETRIAL CONFERENCE** will be held on **Wednesday, September 20, 2017 at 11:00 a.m.** before a magistrate judge. The parties shall confer prior to this conference (i) to consider the claims, defenses, possibilities of a prompt settlement or resolution of the case, and trial before a magistrate judge, (ii) to arrange for the disclosures required by Rule 26(a)(1), and (iii) to develop a discovery plan which will **COMPLETE DISCOVERY** on or before **Monday, October 23, 2017**. The parties must file their proposed discovery plan by the Wednesday preceding the Rule 16(b) conference.

Discovery may begin upon receipt of this order. A party may not exceed five (5) non-party, non-expert witness depositions nor serve on any other party more than thirty (30) interrogatories, including parts and subparts, without leave of court.

SUMMARY JUDGMENT MOTIONS must be filed on or before **Wednesday, November 1, 2017.**¹ Responses are due on **Wednesday, November 15, 2017**. Replies are due on **Wednesday, November 22, 2017**. Any summary judgment motion must be noticed (by the parties) for a hearing on **Friday, December 1, 2017 at 10:00 a.m.**

In the event the parties do not file summary judgments, the **FINAL PRETRIAL CONFERENCE** will be held on **Friday, November 17, 2017 at 11:00 a.m.**

If the parties do file summary judgment motions, the **FINAL PRETRIAL CONFERENCE** will be held on **Friday, December 15, 2017 at 11:00 a.m.**

All pretrial motions, including but not limited to motions *in limine* and *Daubert* motions, must be filed at least five (5) days before the final pretrial conference. Each party shall be represented at the final pretrial conference by at least one attorney who will try the case.


¹ All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained. As required by Local Civil Rule 56, each brief in support of a motion for summary judgment must include a separately captioned section with the brief listing, in number-paragraph form, each material fact that the movant contends is undisputed with appropriate citations to the record. A brief in opposition to a motion for summary judgment must include a separately captioned section within the brief addressing, in numbered-paragraph form corresponding to the movant's section, each of the movant's enumerated facts and indicating whether the non-movant admits or disputes the fact with appropriate citations to the record. The Court may assume that any fact identified by the movant as undisputed in the movant's brief that is not specifically controverted in the non-movant's brief in the manner set forth above is admitted for the purpose of deciding the motion for summary judgment.

Additionally, the parties must file on or before the final pretrial conference date the Rule 26(a)(3) disclosures and a list of the exhibits to be used at trial, a list of the witnesses to be called at trial and a written stipulation of uncontested facts. The exhibits themselves or a copy should be exchanged with opposing counsel before the conference. Objections to exhibits must be filed within 10 days after the conference; otherwise the exhibits shall stand admitted in evidence. The original exhibits shall be delivered to the clerk as provided by Local Rule 79(A). Non-expert witnesses and exhibits not so disclosed and listed will not be permitted at trial except for impeachment or rebuttal, and no person may testify whose identity, being subject to disclosure or timely requested in discovery, was not disclosed in time to be deposed or to permit the substance of his knowledge and opinions to be ascertained.

The trial of this case will be set for a day certain, within 1-6 weeks of the final pretrial conference. Proposed *voir dire* questions and jury instructions are due five (5) days before the start of trial.

PERSONAL IDENTIFIERS MUST BE REDACTED FROM ALL PUBLICLY FILED PLEADINGS AND EXHIBITS IN ACCORDANCE WITH LOCAL RULE 7(C).

Alexandria, Virginia
August 21, 2017



T. S. Ellis, III
United States District Judge